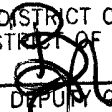


FILED

**In the United States District Court for the
Western District of Texas
Del Rio Division**

OCT 27 2004

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

IN THE MATTER OF

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§
§
§

DR 04-CA-090

NORMAN J. SILVERMAN

Respondent Norman J. Silverman's Motion for Continuance

Defendant Norman J. Silverman moves for a continuance of the show-cause hearing scheduled for Friday, October 29, 2004, in Del Rio, Texas.

1. The Court's order of October 12, 2004 directs Mr. Silverman, an attorney, to appear and show cause why a sanction of criminal contempt should not be imposed pursuant to F. R. Cr. Proc. 42 because of Mr. Silverman's having willfully disregarded the Court's order by failing to appear as counsel for Defendant Juan Antonio Deras in DR-04-CR-688 at the docket call scheduled for October 12, 2004 at 9:00 a.m., or to have informed the Court of his intention not to be present.

2. Mr. Silverman's written response to the order to show cause, accompanied by his letter of apology to the Court and statement under penalty of perjury, explaining the circumstances that preceded his nonappearance, accompanies this motion.

3. Mr. Silverman is scheduled to present oral argument before the United States Court of Appeals for the Sixth Circuit in Cincinnati, Ohio on October 29,



2004 at 9:00 a.m. in No. 03-5875, *United States of America v. Min Ki Yoon*. The Clerk's notice, advising that "continuances of oral argument will not be granted except in highly extraordinary circumstances," is attached.

For the foregoing reasons, Respondent Norman J. Silverman respectfully moves that the Court grant a continuance of the scheduled show-cause hearing. A proposed order granting the requested relief is attached.

Respectfully submitted,



MICHAEL A. MANESS
Texas Bar No. 12897000
1900 North Loop West, Suite 500
Houston, Texas 77018-8120
(713) 680-9922
(713) 680-0804 (FAX)

Attorney for Respondent
Norman J. Silverman

Certificate of Service

I certify that on October 26, 2004, I have served a copy of the foregoing Respondent Norman J. Silverman's Motion for Continuance upon counsel for the Government, by Federal Express, at the following address:

Robert Brady
Assistant United States Attorney
111 E. Broadway, Room 300
Del Rio TX 78840



MICHAEL A. MANESS

LEONARD GREEN
CLERK

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT
100 EAST FIFTH STREET, ROOM 532
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

TELEPHONE
(513) 564-7000
www.ca6.uscourts.gov

ORAL ARGUMENT NOTICE

September 8, 2004

Norman J. Silverman

Van S. Vincent

RE: 03-5875 USA vs. Yoon

Dear Counsel:

Your case will be heard by a panel of the Sixth Circuit on 10/29/04 in Cincinnati, Ohio. Two weeks prior to this date, you may learn the names of the Judges sitting on the panel upon request.

On the day of argument, please report to the Clerk's Office, Room 524 in the Potter Stewart United States Courthouse, at the corner of 5th and Walnut Streets in Cincinnati, no later than 8:30 a.m. Court will convene promptly at 9:00 a.m. Eastern Daylight Saving Time. Oral argument will be limited to 15 minutes per side, unless expanded by the Court at the hearing, or by granting a motion by counsel prior to the hearing.

Unlike most circuits, the Sixth Circuit has continued to follow its traditional policy of allowing oral argument in all civil and criminal cases when requested by counsel. Oral argument may be waived by agreement of counsel, however, with the approval of the Court. Please consider carefully whether oral argument is needed in this case. If a waiver is appropriate in this case, please notify the court by means of a motion to that effect. **Due to the court being short-handed and the intention to keep the docket as current as possible, continuances of oral argument will not be granted except in highly extraordinary circumstances.**

Your attention is called to Rule 36 of the Rules of the Sixth Circuit Court of Appeals regarding decisions from the bench. In appropriate cases, decisions may be made by the panel from the bench following oral argument.

The Court asks counsel to provide the Court with information on similar issues either pending before this Circuit or in other courts of appeals. You must provide this information by letter (original and three copies) which will be given to the hearing panel.

If you have been appointed to represent your client pursuant to the terms of the Criminal Justice Act, you should be aware that reimbursement for travel arrangements made outside the purview of National Travel Service will be limited to the lesser of the government rate for airfare or actual expenses. Specific requirements for arranging CJA travel are set forth in the separate Travel Authorization which is enclosed.

The attached acknowledgment form must be faxed to (513) 564-7098 or returned by mail to Room 532, Potter Stewart United States Courthouse, Fifth and Walnut Streets, Cincinnati, OH 45202 by 9/22/04 . If faxed, do not also send by mail.

No documents, other than the attached acknowledgment, are to be faxed to the court without express permission.

Very truly yours,

Teresa Bertke

Teresa Bertke
Calendar Deputy

Enclosure
ds